

REMARKS

Applicants respectfully request reconsideration of the present application and consideration of the following remarks.

Claims 10 and 11 are currently pending and in the accompanying amendment, claims 40-51 have been added. Support for these new claims may be found in the specification, claims, and drawings as originally filed. On account of the foregoing listed support for new claims 40-51, it is respectfully submitted that these claims do not add new matter.

Claim Rejections – 35 USC § 102

The Examiner states that Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jannson et al. (U.S. patent 5,293,272).

Applicant, however, respectfully submits that claims 10 and 11 are not anticipated by Jannson, as suggested by the Examiner.

For example, claim 10 includes the following limitations:

A structure for modulating light, comprising:
modulators of light each including an interference cavity for causing interference modulation of the light; and
an optical compensation mechanism coupled to the modulators which enhances the optical performance of the structure.

(Claim 1) (emphasis added).

Jannson discloses a high finesse holographic Fabry-Perot etalon consisting essentially of a stack of optical materials including a spacer material. However, Jannson fails to disclose that the stack of materials comprising the etalon includes a cavity. Thus, Jannson fails to teach or suggest all limitations of claim 10. Accordingly, it is respectfully submitted that claim 10 cannot be anticipated by Jannson. Given that claim 11 depends on claim 10, it is respectfully submitted that claim 11 also cannot be anticipated by Jannson.

New claim 40 includes the following limitations:

A device for modulating light, comprising:
an array of interference modulators, each comprising a primary and a secondary mirror which in a quiescent state is spaced from the primary mirror by a first distance so that light reflected from the modulator is of a first color, and which in a second state, under influence of a bias voltage, is spaced from the primary mirror by a second distance which is less than the first distance so that the modulator reflects light of a second color; and
an optical compensation mechanism coupled to the array to compensate for changes in a color of light reflected by the array due to changes in an angle at which the array is viewed.

(Claim 40) (emphasis added).

It is respectfully submitted that Jannson fails to teach or suggest all limitations of claim 40. For example the etalon of Jannson is a transmissive device, whereas the device for modulating light as recited in claim 40 is a reflective device. Further, the etalon of Jannson is a static device, whereas the device recited in claim 40 has a primary mirror which under influence of the bias voltage can be spaced from the primary mirror by a first distance or a second distance, thus implying that the secondary mirror is a movable mirror.

On account of the foregoing, it is respectfully submitted that new claim 40 is patentable in view of Jannson.

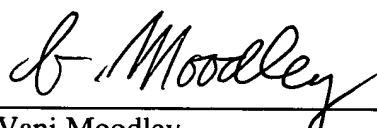
Further, new claim 46 includes limitations similar to the above discussed limitations of claim 40 and thus, it is respectfully submitted that new claim 46 is also patentable in view of Jannson.

Given that claims 42-45 and 47-51 depend on claims 40, and 46, respectively, it is respectfully submitted that these claims are also patentable in view of Jannson.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 2-25-03 By: 
Vani Moodley
Under CFR § 10.9(b)

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300

VERSION WITH MARKINGS TO SHOW CHANGES MADE

10. (Amended) A structure for modulating light, comprising:
modulators of light each including an interference cavity for causing interference modulation of the light; and
an optical compensation mechanism coupled to the modulators which enhances the optical performance of the structure.
11. (Amended) The structure of claim 10, in which the mechanism comprises at least one selection from the group consisting [a combination of one or more] of a holographically patterned material, a photonic crystal array, a multi-layer array of dielectric mirrors, [or] and an array of microlenses.

New claims 40-51 have been added.